

## AMENDMENTS TO THE CLAIMS:

The listing of claims replaces all prior versions of the claims in the application. Changes to the claims are indicated by a strikethrough for deleted matter and underlining for added matter.

### Listing of Claims:

1-13. (Canceled)

14. (Currently Amended) A catheter for delivering a biologically active material to a desired location of a body lumen of a patient comprising an expandable portion which is insertable or implantable into a body lumen, wherein the expandable portion is expandable in response to inflation pressure to fill the cross-section of the lumen and engage the tissue of the lumen and wherein the expandable portion comprises:

a) a reservoir defined by a membrane having a plurality of pores therein, and wherein the reservoir is capable of containing the biologically active material and is connected to a reservoir lumen for filling the reservoir with the biologically active material; and

b) a biostable sponge coating for release of at least one biologically active material disposed about the membrane, wherein the sponge coating comprises a non-hydrogel polymer having a plurality of voids; ~~and~~

e) ~~means for infusing the biologically active material into the voids.~~

15. (Original) The catheter of claim 14 wherein the voids are formed by eluting a particulate material from the polymer.

16. (Previously Presented) The catheter of claim 14, wherein the void space of the sponge coating is greater than about 60% of the volume of the sponge coating.

17. (Currently Amended) The catheter of claim 14 wherein the infusion ~~means~~ mechanism comprises an inflation lumen connected to a balloon disposed wherein the reservoir.

18. (Original) The catheter of claim 14 wherein the expandable portion further comprises a perfusion lumen for sustained infusion of the biologically active material into the voids and inflation of the expandable portion.

19. (Currently Amended) The catheter of claim 14 which further comprises control ~~means~~ mechanism for synchronizing the deflation of the expandable portion and the infusion of the biologically active material into the voids.

20. (Original) The catheter of claim 14 wherein the polymer comprises an elastomer.

21. (Currently Amended) The catheter of claim 20 wherein the elastomer is ~~selected from the group consisting of~~ comprises a ~~silicones~~ silicone, ~~polyurethanes~~ polyurethane, ~~thermoplastic elastomers~~ elastomer, ethylene vinyl acetate ~~copolymers~~ copolymer, polyolefin ~~elastomers~~ elastomer, and or EPDM ~~rubbers~~ rubber.

22. (Currently Amended) The catheter of claim 14 wherein the biologically active material is heparin, paclitaxel, or rapamycin.

23. (Currently Amended) A method of making a medical device having at least an expandable portion for insertion or implantation into the body of a patient, wherein the portion has a surface which is adapted for exposure to body tissue of the patient and wherein at least a part of the surface is covered with a coating to release at least one biologically active material therefrom, the method comprising:

- a) forming a biostable sponge coating by
  - i) applying a composition comprising a non-hydrogel polymer and a particulate material to the surface ~~and~~;
  - ii) exposing the surface to a fluid to elute the particulate material from the polymer; ~~;~~ and
- b) loading the sponge coating with the biologically active material.

24. (Original) The method of claim 23 wherein the fluid is a solvent.

25. (Original) The method of claim 23 wherein the fluid is a body fluid.

26. (Original) The method of claim 23 wherein the particulate material is eluted *in vivo* while the device is inserted or implanted in the body to form a plurality of voids in the sponge coating and wherein the voids are greater than about 60% of the volume of the sponge coating.

27. (Original) The method of claim 24 wherein the particulate material is a biologically active material.

28. (Original) The method of claim 23 wherein the biologically active material is loaded into the sponge coating by dipping the surface into a composition comprising the biologically active material.

29. (Original) The method of claim 23 wherein the polymer comprises an elastomer.

30. (Currently Amended) The method of claim 29 wherein the elastomer is ~~selected from the group consisting of~~ comprises a ~~silicones~~ silicone, ~~polyurethanes~~ polyurethane, thermoplastic ~~elastomers~~ elastomer, ethylene vinyl acetate ~~copolymers~~ copolymer, polyolefin ~~elastomers~~ elastomer, and or EPDM ~~rubbers~~ rubber.

31. (Original) The method of claim 23 wherein the biologically active material is heparin.

32. (Currently Amended) The method of claim 23 wherein the particulate material is ~~selected from the group consisting of~~ comprises a polyethylene oxide, polyethylene glycol, polyethylene oxide/polypropylene oxide ~~copolymers~~ copolymer, polyhydroxyethyl methacrylate, polyvinylpyrrolidone, polyacrylamide and or its ~~copolymers~~ copolymer, ~~salts~~ salt, ~~sugars~~ sugar, and or elutable biologically active ~~materials~~ material.

33. (Original) The method of claim 23 further comprising curing the composition prior to exposing the surface to a solvent to elute the particulate material from the polymer.

34-46. (Canceled).

47. (New) The catheter of claim 1 further comprising a mechanism for infusing the biologically active material into the voids.